

EXHIBIT D

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Mark:



US Serial Number: 97558787

Application Filing Date: Aug. 22, 2022

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date: May 02, 2023

Publication Date: Mar. 07, 2023 **Notice of Allowance Date:** May 02, 2023

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a swirl that originates from the left of the center, that is thinner on both ends of the mark and thicker in the middle, and moves counterclockwise in a circular motion, forming two rings that conclude with a sharp point in the top left.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.26 - Swirls; Coils; Spirals

Related Properties Information

International Registration Number: 1689433

International Application(s) /Registration(s) Based on this Property: A0127270/1689433

Claimed Ownership of US Registrations: 5950040

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: beverage preparation machines, electromechanical; apparatus for aerating beverages; machines for adding carbonation and flavoring

to beverages; machines for the production of soda water and sparkling beverages

International Class(es): 007 - Primary Class**U.S Class(es):** 013, 019, 021, 023, 024, 031, 034, 035**Class Status:** ACTIVE**Basis:** 1(b)

Basis Information (Case Level)

Filed Use: No**Currently Use:** No**Filed ITU:** Yes**Currently ITU:** Yes**Filed 44D:** No**Currently 44E:** No**Filed 44E:** No**Currently 66A:** No**Filed 66A:** No**Currently No Basis:** No**Filed No Basis:** No

Current Owner(s) Information

Owner Name: BlendJet Inc.**Owner Address:** 535 Getty Court, Suite A
Benicia, CALIFORNIA UNITED STATES 94510**Legal Entity Type:** CORPORATION**State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: R. Scott Keller**Docket Number:** 184813New**Attorney Primary Email Address:** trademarks@wnj.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: R. SCOTT KELLER
WARNER NORCROSS + JUDD LLP
150 OTTAWA AVENUE NW, SUITE 1500
GRAND RAPIDS, MICHIGAN UNITED STATES 49503**Phone:** 616-752-2479**Fax:** 616-752-2500**Correspondent e-mail:** trademarks@wnj.com skeller@wnj.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 02, 2023	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 07, 2023	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 07, 2023	PUBLISHED FOR OPPOSITION	
Feb. 15, 2023	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 28, 2023	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 27, 2023	ASSIGNED TO EXAMINER	93654
Sep. 13, 2022	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 11, 2022	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Aug. 25, 2022	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: FITZSIMONS, MICHAEL R**Law Office Assigned:** LAW OFFICE 130

File Location

Current Location: INTENT TO USE SECTION

Date in Location: May 02, 2023

From: TMDesignCodeComments
Sent: Tuesday, September 13, 2022 00:37 AM
To: trademarks@wnj.com
Cc: skeller@wnj.com
Subject: Official USPTO Notice of Design Search Code: U.S. Trademark SN: 97558787: Miscellaneous Design: Docket/Reference No. 184813New

Docket/Reference Number: 184813New

The USPTO has assigned design search codes to your application (U.S. serial number: 97558787).

Design search codes assigned to your application:

26.01.26 - Coils
26.01.26 - Spirals
26.01.26 - Swirls

If you would like to request that we add or delete a design search code, please email TMDesignCodeComments@USPTO.GOV. Include your name, application serial number, a list of design search codes you would like to add or delete, and a brief justification. We will process your request within two business days. If we approve your request, the updated list of design search codes will appear in our Trademark Status and Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/>, under the "Mark Information" tab.

Design search codes are numerical codes we assign to the prominent features of your mark's design. We call these features "design elements." A design element can be any component of your mark that is not a word, such as a depiction of a star or a flower. Assigning design search codes to your mark helps us more effectively search our database for marks that may conflict with yours. Design search codes have no legal significance and will not appear on the registration certificate.

For more information about design search codes, including why and how we use them and information on adding or deleting design search codes from your application, please visit our design search code webpage at <http://www.uspto.gov/DesignSearchCodes>. For a list of design search codes, see the design search code manual at <http://tess2.uspto.gov/tmdb/dscm/index.htm>.

For questions, please call 1-800-786-9199 (option 1) to speak to a Customer Service representative in the Trademark Assistance Center. Please visit <http://www.uspto.gov/TrademarkAssistance> for additional information about the Trademark Assistance Center.

This notice will be available in TSDR in one business day.

PTO- 1478

Approved for use through 10/31/2024. OMB 0651-0009

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Trademark/Service Mark Application, Principal Register**Serial Number: 97558787****Filing Date: 08/22/2022****The table below presents the data as entered.**

Input Field	Entered
SERIAL NUMBER	97558787
MARK INFORMATION	
*MARK	\\TICRS\EXPORT18\IMAGEOUT18\975\587\97558787\xml1 \ APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a swirl that originates from the left of the center, that is thinner on both ends of the mark and thicker in the middle, and moves counterclockwise in a circular motion, forming two rings that conclude with a sharp point in the top left.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	769 x 864
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	BlendJet Inc.
*MAILING ADDRESS	535 Getty Court, Suite A
*CITY	Benicia
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	94510
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	007
*IDENTIFICATION	beverage preparation machines, electromechanical; apparatus for aerating beverages; machines for adding carbonation and flavoring to beverages; machines for the production of soda

	water and sparkling beverages
FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
ACTIVE PRIOR REGISTRATION(S)	The applicant claims ownership of active prior U.S. Registration Number(s) 5950040.
ATTORNEY INFORMATION	
NAME	R. Scott Keller
ATTORNEY DOCKET NUMBER	184813New
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Warner Norcross + Judd LLP
STREET	150 Ottawa Avenue NW, Suite 1500
CITY	Grand Rapids
STATE	Michigan
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	49503
PHONE	616-752-2479
FAX	616-752-2500
EMAIL ADDRESS	trademarks@wnj.com
OTHER APPOINTED ATTORNEY	Amber Underhill and all other attorneys at Warner Norcross + Judd LLP
CORRESPONDENCE INFORMATION	
NAME	R. Scott Keller
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	trademarks@wnj.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	skeller@wnj.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	350
*TOTAL FEES PAID	350
SIGNATURE INFORMATION	
SIGNATURE	/Ryan Pamplin/
SIGNATORY'S NAME	Ryan Pamplin
SIGNATORY'S POSITION	CEO
SIGNATORY'S PHONE NUMBER	616-752-2479
DATE SIGNED	08/22/2022

SIGNATURE METHOD

Sent to third party for signature

PTO- 1478

Approved for use through 10/31/2024. OMB 0651-0009

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Trademark/Service Mark Application, Principal Register**Serial Number: 97558787****Filing Date: 08/22/2022****To the Commissioner for Trademarks:**

MARK: (Stylized and/or Design, see [mark](#)) The mark consists of a swirl that originates from the left of the center, that is thinner on both ends of the mark and thicker in the middle, and moves counterclockwise in a circular motion, forming two rings that conclude with a sharp point in the top left.

The applicant, BlendJet Inc., a corporation of Delaware, having an address of

535 Getty Court, Suite A
Benicia, California 94510
United States
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 007: beverage preparation machines, electromechanical; apparatus for aerating beverages; machines for adding carbonation and flavoring to beverages; machines for the production of soda water and sparkling beverages

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Claim of Active Prior Registration(s)

The applicant claims ownership of active prior U.S. Registration Number(s) 5950040.

The owner's/holder's proposed attorney information: R. Scott Keller. Other appointed attorneys are Amber Underhill and all other attorneys at Warner Norcross + Judd LLP. R. Scott Keller of Warner Norcross + Judd LLP, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

150 Ottawa Avenue NW, Suite 1500
Grand Rapids, Michigan 49503
United States
616-752-2479(phone)
616-752-2500(fax)
trademarks@wnj.com

The docket/reference number is 184813New.

R. Scott Keller submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

R. Scott Keller
PRIMARY EMAIL FOR CORRESPONDENCE: trademarks@wnj.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): skeller@wnj.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$350 has been submitted with the application, representing payment for 1 class(es).

Declaration

☒ **Basis:**

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- ☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Ryan Pamplin/ Date: 08/22/2022
Signatory's Name: Ryan Pamplin
Signatory's Position: CEO
Signatory's Phone Number: 616-752-2479
Signature method: Sent to third party for signature
Payment Sale Number: 97558787
Payment Accounting Date: 08/22/2022

Serial Number: 97558787
Internet Transmission Date: Mon Aug 22 16:09:16 ET 2022
TEAS Stamp: USPTO/BAS-XX.XX.X.XX-2022082216091714724
5-97558787-8208c68af37d0d31713c97fcf5872
18e39c555cfd7efdc4bd67fc8f55111e48ea48-E
T-09162744-20220822113005185623



